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Attorney for Plaintiff

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
SACRAMENTO BRANCH

LYNDA J. MARTINEZ,

Plaintiff,

vs.

KILOLO KAJIKAZI,
Acting Commissioner of Social Security,

Defendant

Case No.: 2:20-cv-00619-KJN

**STIPULATION AND ORDER FOR THE
AWARD OF ATTORNEY FEES
PURSUANT TO THE EQUAL ACCESS
TO JUSTICE ACT, 28 U.S.C. § 2412(d)**

IT IS HEREBY STIPULATED by and between the parties through their undersigned counsel, subject to the approval of the Court, that Plaintiff be awarded attorney fees under the EAJA in the amount of SEVEN-THOUSAND SIX-HUNDRED dollars (\$7,600.00). This amount represents compensation for all legal services rendered on behalf of Plaintiff, to date, by counsel in connection with this civil action, in accordance with 28 U.S.C. § 2412.

After the Court issues an order for EAJA fees to Plaintiff, the government will consider the matter of Plaintiff's assignment of EAJA fees to Plaintiff's attorney. Pursuant to Astrue v. Ratliff, 130 S.Ct. 2521 (2010), the ability to honor the assignment will depend on whether the fees are subject to any offset allowed under the United States Department of the Treasury's

Offset Program. After the order for EAJA fees is entered, the government will determine whether they are subject to any offset.

Fees shall be made payable to Plaintiff, but if the Department of the Treasury determines that Plaintiff does not owe a federal debt, then the government shall cause the payment of fees to be made directly to Shellie Lott, pursuant to the assignment executed by Plaintiff. Any payments made shall be delivered to Plaintiff's counsel.

This stipulation constitutes a compromise settlement of Plaintiff's request for EAJA attorney fees and does not constitute an admission of liability on the part of Defendant under the EAJA or otherwise. Payment of the agreed amount shall constitute a complete release from, and bar to, any and all claims that Plaintiff and/or Plaintiff's counsel may have relating to EAJA attorney fees in connection with this action.

This award is without prejudice to the rights of Plaintiff's counsel to seek Social Security Act attorney fees under 42 U.S.C. § 406, subject to the offset provisions of the EAJA.

Respectfully submitted,

Dated: September 29, 2021

/s/ Shellie Lott

SHELLIE LOTT

Attorney for Plaintiff

PHILLIP A. TALBERT

Acting United States Attorney

DEBORAH L. STACHEL

Regional Chief Counsel, Region IX

Social Security Administration

Date: September 29, 2021

/s/ Henry Chi

(As authorized via email on 9/28/21)

HENRY CHI

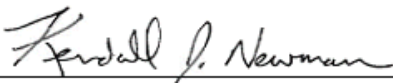
Special Assistant United States Attorney

ORDER

Pursuant to the stipulation of the parties, IT IS HEREBY ORDERED that attorney fees under EAJA, in the amount of SEVEN-THOUSAND SIX-HUNDRED dollars (\$7,600.00), are awarded to Plaintiff, subject to the terms of the stipulation.

IT IS SO ORDERED.

Dated: September 29, 2021


KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE

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